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FACSIMILE COVER LETTER

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TO: Dr. Subramanian, Examiner FAX NO: 703-746-4027 (informal)
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FROM: John "Jak" Grieggi, Esquire

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MESSAGE: Dear Dr. Subramanian,

Thank you for speaking to me earlier this week regarding application serial number 09/971,878. Per your instructions, I am enclosing a list of interview topics for discussion in a telephonic interview. As you suggested, I have included two suggested date & times for the interview. As noted on the interview topics pages, I am fairly flexible on the date & time, but I request that the interview time be 1:00PM or later to accommodate the difference in time zones.

I will be out of the office on Monday the 31st and Tuesday the 1st, but please feel free to call and leave me a message regarding the date and time.

Thanks for your assistance in this matter.

John Grieggi

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INTERVIEW TOPICS OF DISCUSSION

I. OBJECTION TO THE SPECIFICATION

The first paragraph of Section 3 of the Office Action recites that the specification is objected to under the written description requirement, the test for which is cited. However, the following paragraph, which details the objection, only asserts that the specification does not enable the claimed invention. Applicants' respectfully note that the written description requirement is different from the enablement requirement, and different tests apply. Therefore, the substance of Applicants' response will differ depending on which requirement is the basis of the objection.

Applicants respectfully request clarification on which requirement is the basis of the objection.

Furthermore, since Applicants' believe the claims are fully enabled, and that the disclosure clearly conveys to the artisan that the inventors had possession of the invention at the time the application was filed, Applicants request a review the various disclosures at issue.

II. REJECTION UNDER 35 U.S.C. § 112 FOR INDEFINITENESS

Applicants' appreciate the Examiner's input on the definiteness of the claims. Applicants believe that the issue of indefiniteness could be resolved by clarifying the claim to state "receiving the buyer's authorization to conduct the transaction". For expediency, Applicants would like to verify that the Examiner is comfortable with this clarification.

III. REJECTIONS UNDER 35 U.S.C. § 103

Applicants believe the rejections under 35 U.S.C. 103 to have been addressed by the amendments and arguments in the previous Amendment. The Office Action did not consider these amendments and arguments because of the new rejections under § 112.

These amendments and arguments include discussion of the difference between "customs invoice information" and commercial invoice information. As is well known in the art, customs invoice information pertains to legal claims of customs classification, the tax status of goods, the involvement of a buyer in making the goods, and the like. It can vary from country to country for a single product, and should be consistently claimed in a given country by a single purchaser of a large number of a given product. Commercial invoice information is assigned by a seller. It doesn't change as goods cross through a multitude of borders, and it doesn't reflect the buyers prior claims of classification, the buyers assistance in making the goods, the buyers legal status, or other information relevant to determining duties and restrictions.

Applicants would appreciate the Examiner's assistance in sorting out this issue so that this application may proceed to issue. This application has been pending over three years, and has already included one request for continued examination.

IV. TIME FOR INTERVIEW

In a prior telephone call, the Examiner suggested the Applicants' attorney suggest dates and times for a telephone interview. Applicants' attorney suggests either Thursday, February 3rd, or Monday, February 7th as a date for the interview. Applicants' attorney suggests a time for the interview of 3:00PM (Eastern Standard Time).

If neither of these date & times work out, Applicants' attorney is amenable to others, but requests that the interview time be 1:00PM or later to accommodate the difference in time zones.